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IN THE

Supreme Court of the United States

October Term, 1957.

No. 58.

AURELIO CANO and CHARLES MARTIN,
Appellants,

v.

COMMONWEALTH OF PENNSYLVANIA,
Appellee.

On Appeal From the Supreme Court of Pennsylvania.

APPELLANTS' REPLY.

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November 12, 1957.

IN THE

Supreme Court of the United States.

October Term, 1957.

No. 538.

AURELIO CANO and CHARLES MARTIN,
Appellants,

v.

COMMONWEALTH OF PENNSYLVANIA,
Appellee.

ON APPEAL FROM THE SUPREME COURT OF PENNSYLVANIA.

APPELLANTS' REPLY.

The Commonwealth in its Reply agrees that the Superior Court of Pennsylvania justified a jail sentence for Appellants based upon the fact that they were employers "in charge" of a mine in which employees committed criminal acts; not inquiring any further into whether Appellants themselves had any part in such criminal acts. (Commonwealth's Reply, Page 7.)

The constitutionality of this holding is precisely the question presented in this Appeal.

The constitutional difference between being "in charge" of a business in which an employee commits a criminal act and either directing or authorizing the commission of the criminal act by the employee is the question here presented to this Court. The Superior Court's interpretation of the Statute here involved as authorizing a jail sentence for an

employer merely because he is "in charge" constitutes a deprivation of Appellants' liberty without due process of law as guaranteed by the fourteenth Amendment to the Constitution of the United States.

Respectfully submitted,

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